

Remarks

Claims 1-12, 17-19, and 24-28 are pending in the application. In this response, claims 1-12 and 17-19 are amended and claims 24-28 are added. Based on the following, consideration of the amended and new claims is requested.

Claim Rejections—35 U.S.C. § 112, 1st ¶

The Examiner has rejected claims 13 and 16-20 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner has rejected the newly added limitation to claim 13 of “generally parallel.” Applicants have canceled claim 13, 16, and 19. Claims 17 and 18 now depend from claim 24. Claim 24 does not contain such a limitation. Applicants submit that such 112 rejection no longer applies to the claims as presently pending.

Rejection of claim 1 under 35 U.S.C. § 102

The Examiner has rejected claim 1 under 35 U.S.C. 102(e) as being anticipated by Sato et al. (US 2003/0168836). Applicants have added the limitation: “wherein the bottom edge projects up and forward so that at least a portion of an upper arm of a seated fifth percentile female side impact anthropometric test dummy is below the bottom edge when the arm is oriented at a 45 degree angle with respect to a neutral position.” Applicants submit that Sato et al. does not show such limitation in any of the embodiments shown and therefore does not anticipate Applicants’ claim 1. Applicants respectfully request the withdrawal of the rejection to claim 1 and to claims 2-7, which depend therefrom.

Applicants submit that such limitation is supported in the specification at least in paragraphs 29 and 30 and in Figure 1. Applicants have concurrently filed a 37 C.F.R. §1.132 affidavit in regards to the dummy. Applicants submit that such dummy is well known in vehicle safety testing. Not only are the physical characteristics of such dummy well documented and specified by NHTSA under their rulemaking authority, but are known to one skilled in the art. Thus, such limitation in claim 1 referring to the test dummy satisfies the written description requirement of 35 U.S.C. 112, paragraph 1.

Rejection of claim 8 under 35 U.S.C. § 103

The Examiner has rejected claim 8 under 35 U.S.C. 103 as being unpatentable over Sato et al. in view of Steffens Jr. et al. (U.S. 5,439,248). Applicants have added the limitation: “a bottom edge of the first portion of the airbag projects up and forward so that at least a portion of an upper arm of a seated fifth percentile female side impact anthropometric test dummy is below the bottom edge a distance of about one-quarter of a length of the upper arm when the arm is oriented at a 45 degree angle with respect to a down position.” Applicants submit that neither reference shows such limitation. Thus, a combination of the references, even if proper, does not show such limitation. Applicants request that the 35 U.S.C.103 rejection of claim 8 be withdrawn in light of the amendment. Applicants submit that claim 8, as well as claims 9-12 which depend therefrom are in condition for allowance.

New claim 24

Applicants have added new claim 24, which contains the limitation: “an airbag coupled to the seat, the airbag having a generally wedge shaped rear aspect generally narrowing in a direction from top to bottom wherein a bottom edge projects up and forward to be above a portion of a lower section of an upper arm of a seated fifth percentile female side impact anthropometric test dummy is below the bottom edge.” Applicants submit: that the limitation is supported in the specification and does not constitute new matter; that the characteristics of the test dummy is definite, as described in the accompanying 37 C.F.R. §1.132 affidavit, and thus satisfies the written description requirement; and that such limitation is not shown in any of the references, and thus is not shown in any proper combination of references. Applicants request allowance of claim 24 and claims 17-19 and 24-28 which depend therefrom.

S/N: 10/710,314
Reply to Office Action of 19 August 2009

Atty Dkt No. 81100061/FMC 1755 PUS

Charge any additional fees or credit any over overpayments as a result of the filing of this response to Ford Global Technologies, LLC Deposit Account No. 06-1510.

Respectfully submitted,
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Date: 16-Oct-09

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